

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARK A. FAVORS, et. al.,

Plaintiffs,

-against-

ANDREW M. CUOMO, as Governor of  
the State of New York, et. al.,

Defendants.  
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**SCHEDULING ORDER AS TO THE  
REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE**

**DOCKET #11-cv-5632  
(RR)(GEL)(DLI)(RLM)**

**REENA RAGGI, United States Circuit Judge  
GERARD E. LYNCH, United States Circuit Judge  
DORA L. IRIZARRY, United States District Judge:**

Pursuant to this Court's Order of Referral to Magistrate Judge dated February 28, 2012 (Docket Entry #133), the Honorable Roanne L. Mann, United States Magistrate Judge of this district, issued her Report and Recommendation and Proposed Redistricting Map for the congressional districts of New York State on March 12, 2012. Set forth below are the schedules and procedures for the submission of objections to the Report and Recommendation as well as for the ensuing hearing.

**I. OBJECTIONS TO THE REPORT AND RECOMMENDATION**

Any and all objections to the Report and Recommendation are to be filed with the Court **NO LATER THAN NOON ON MARCH 14, 2012** pursuant to the procedures below. **The Court will consider only those objections submitted in compliance with the following procedures. Calls or emails sent directly to chambers by the public are not permitted.**

**A. Objections by the PARTIES to the action**

The parties shall file their objections to the Report and Recommendation electronically via ECF **NO LATER THAN NOON ON MARCH 14, 2012**. The parties shall

deliver FORTHWITH two (2) color hard courtesy copies of their objections to each of the undersigned judges at their respective chambers. Please note that a party's failure to timely submit objections to the Report and Recommendation will constitute a waiver of that party's right to object to the Report and Recommendation.

**B. Objections by Members of the Public and Interested Organizations**

**The Court will consider only those objections submitted in compliance with the following procedures. Calls or emails sent directly to chambers by the public are not permitted.**

Interested non-party members of the public and organizations also may submit written objections to the Report and Recommendation NO LATER THAN NOON MARCH 14, 2012 through a link that by March 12, 2012 will be posted on the website for the United States District Court for the Eastern District of New York at: <http://www.nyed.uscourts.gov>. All documents submitted by members of the public through the web link may be in PDF, WORD, WordPerfect, or txt format and must use the following file-naming convention: Pub-[Last Name or Organization]-objection.[format] (pdf, doc, docx, WordPerfect, or txt). (For example: "pub-jones-objection.pdf" or "pub-commoncause-objection.doc" or "pub-jones-objection.wpd" or "pub-commoncause-objection.txt").

Interested non-party members of the public and organizations also may submit written objections to the Report and Recommendation NO LATER THAN NOON MARCH 14, 2012 in hard copy by delivering the submission to the Clerk's Office and depositing it in a specially designated receptacle. The hard copy submission must contain the name and docket number of the action: **Favors, et. al., v. Cuomo, et. al., Docket Number 11-cv-5622** as well as the following identifying information: Pub-[Last Name or Organization]-objection. (For

example: Favors, et. al., v. Cuomo, et. al., Docket Number 11-cv-5632 Pub-Jones-Objection (or Pub-Common Cause-objection).

## **II. THE HEARING ON THE REPORT AND RECOMMENDATION**

A hearing on the Report and Recommendation shall be held **on Thursday, March 15, 2012, beginning at 11:00 A.M., at the Brooklyn Federal Courthouse, 225 Cadman Plaza East, Courtroom 2F North.** Any interested member of the public or organization who wishes to speak at the hearing, including those who submitted written objections to the Report and Recommendation by noon March 14, 2012, **MUST REGISTER BY 12:00 P.M. – NOON ON WEDNESDAY, MARCH 14, 2012** by using the link that will be posted on the website for the United States District Court for the Eastern District of New York: <http://www.nyed.uscourts.gov> . The hearing will proceed in the manner described below.

A. First, each group of parties will be given up to fifteen (15) minutes to present its argument to the Court. Counsel representing parties with similar interests and positions regarding the Report and Recommendation are encouraged to decide in advance which attorney will address a particular issue. Please note that the Court will not entertain repetitive arguments. Each group of parties may reserve up to three (3) minutes of its time to present a brief response after all persons have been heard. Such responses must be limited to correcting misstatements of fact or law, and may not include new or repetitive affirmative arguments. The Court may allow the parties to allot all or a portion of their argument time to an oral presentation by their expert.

B. Next, members of the public and interested organizations who submitted objections to the Report and Recommendation and have registered by the March 14<sup>th</sup> noon deadline may be afforded up to five (5) minutes to address the Court. Non-parties and

organizations with affiliated interests are encouraged to select one representative to speak on their behalf for the allotted time. Non-party presentations must be limited to the topic of New York State congressional redistricting.

C. Next, members of the public and interested organizations who did not submit objections to the Report and Recommendation and have registered by the March 14<sup>th</sup> noon deadline may be afforded up to two (2) minutes to address the Court. Non-parties and organizations with affiliated interests are encouraged to select one representative to speak on their behalf for the allotted time. Non-party presentations must be limited to the topic of New York State congressional redistricting.

D. Finally, members of the public and interested organizations who did not register by the March 14<sup>th</sup> noon deadline may be afforded time to speak as time permits. Non-party presentations must be limited to the topic of New York State congressional redistricting.

SO ORDERED.

DATED: Brooklyn, New York  
March 12, 2012

\_\_\_\_\_/s/\_\_\_\_\_  
REENA RAGGI  
United States Circuit Judge

\_\_\_\_\_/s/\_\_\_\_\_  
GERARD E. LYNCH  
United States Circuit Judge

\_\_\_\_\_/s/\_\_\_\_\_  
DORA L. IRIZARRY  
United States District Judge